

THE LEGAL ENVIRONMENT

The Ontario *Human Rights Code* creates a legal duty of accommodation in Ontario workplaces. The duty of accommodation provides Employees who have needs related to a disability, religious obligation or sex that conflict with their working conditions with the right to be provided with reasonable assistance or accommodation to enable them to participate in the activity of work.

The Employer, the Bargaining Agent and all Employees who are members of the workplace community share a legal obligation to identify, implement and/or support appropriate accommodation initiatives where employees can be accommodated in the workplace without undue hardship.

THE COUNTY OF ELGIN'S COMMITMENT

The County of Elgin is committed to ensuring equality rights in the workplace. The County of Elgin is committed to assessing and addressing the legitimate accommodation needs of Employees. Accommodation issues can be successfully identified, assessed and addressed only where all parties are meeting the expectations and responsibilities outlined in this policy. Successful accommodation initiatives require the cooperation of and a consultative approach by Management, the Employee seeking accommodation, the workplace community, the Bargaining Agent and attending medical practitioners.

The objective of this policy is to facilitate the identification and resolution of accommodation issues that arise out of the following circumstances:

1. The existence of needs attending a condition of "handicap" that is in conflict with the employment obligations;
2. The existence of needs arising out of a protected status under human rights legislation that are in conflict with the employment obligations.

It is understood that the Employer's ability to identify, properly assess and implement appropriate accommodation initiatives is dependent upon the support and input of all of the parties as outlined herein.

A) EMPLOYEE RESPONSIBILITIES

1. Obligation to Communicate Need

Employees have an obligation to promptly advise Management or Human Resources of any condition of disability or need related to any other protected status that conflicts with their ability to either provide regular attendance at work, perform their regular duties or comply with other terms and conditions of employment.

2. Obligation to Provide Information (*Medical or Other*)

Where a potential accommodation issue has been identified, the Employee seeking accommodation is responsible for promptly responding to all Employer requests for information that the Employer identifies as relevant to assessing or pursuing accommodation initiatives.

3. Obligation to Facilitate Accommodation Initiative

Any Employee requiring accommodation is expected to conduct himself/herself reasonably and provide his/her full cooperation and support to the implementation of accommodation initiatives.

Employees should recognize that a failure to:

1. Communicate an accommodation need;
2. Provide all relevant information in a timely manner; and
3. Cooperate with the implementation of accommodation measures;

may limit the Employer's ability and obligations to successfully address the Employee's accommodation needs.

B) MANAGEMENT'S RESPONSIBILITIES

1. Upon an accommodation issue being raised or communicated by an Employee, Management will:
 - (a) assess and verify the existence of an accommodation need;
 - (b) assess and identify appropriate accommodation options.
2. Where accommodation options have a potential to impact on Collective Agreement terms or other Employees' rights under such Agreement, Management will consult with the Union prior to finalizing any accommodation option.
3. Management will monitor the progress of Employees who are being accommodated. Such monitoring will include requests for up-dated information from Employees and/or attending medical practitioners from time to time. The monitoring and current information will enable the Employer to respond to changing needs and/or identify when the need for accommodation ends.

C) BARGAINING AGENT'S RESPONSIBILITIES

The Bargaining Agent is jointly responsible for pursuing and successfully identifying and facilitating appropriate accommodation initiatives in the workplace wherever there is a conflict between an accommodation option and a collective agreement right. The Union will provide any relevant input, as well as its cooperation in identifying and facilitating relevant accommodation initiatives.

D) WORKPLACE COMMUNITY'S RESPONSIBILITIES

Successful accommodation requires the support and commitment of everyone in the workplace community. All employees are expected to provide their assistance and support where required to facilitate accommodation initiatives. All members of the workplace community have an obligation to respect the right to accommodation of any employee with a qualifying need.

E) RESPONSIBILITIES OF ATTENDING PHYSICIANS

The verification of accommodation issues and identification of appropriate accommodation initiatives is dependent upon relevant and timely input from attending medical practitioners. The attending physicians of any Employee who is faced with an accommodation issue in the workplace shall provide their full cooperation and support by:

1. Responding in a complete and timely manner to any request for information initiated by the Employer.
2. Communicating to the Employer in a timely manner any changes in the Employee's condition that may alter the required scope, duration or nature of an accommodation initiative.

OUR COMMITMENT AT THE COUNTY OF ELGIN

Successful accommodation initiatives require the cooperation, input and support of all parties; the Employer, the Employee seeking accommodation, attending physicians, Bargaining Agents and all employees in the workplace community. It is expected that all parties will provide their cooperation and relevant input to ensure that they can successfully address accommodation issues that arise in the workplace.